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CANNED FRUIT  
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October 1968

EEC SUGAR-ADDED REGULATION  
FOR PROCESSED FRUITS AND VEGETABLES

CURRENT SERIAL RECORDS

Effective July 1, 1968, the European Economic Community initiated a permanent system of import levies and export subsidies on the sugar-added content in processed fruits and vegetables (Council Reg. No. 865/68). Among the more important commodities covered by the new regulation are canned and frozen fruits; canned, dehydrated, and frozen vegetables; and fruit and vegetable juices.

The new regulation marks a continuation, in much the same form, of the system first introduced by the Community on July 1, 1967 (Council Reg. No. 220/67), which was in turn superseded by Council Reg. No. 789/67 on November 1, 1967. In these interim regulations, the sugar-added levy on imported products varied according to the price levels for sugar in each of the Member States. Under the present regulation, however, the levy for a given reading of sugar-added content is identical in all Member States.

The procedure for calculating the sugar-added levy is shown in Table 1. The table relates specifically to canned peaches in EEC tariff position 20.06 B-II-b-6, i.e., canned peaches with a sugar content of more than 15 percent by weight and in immediate containers of 1 kilogram (2.2046 lb.) or less. An approximation of the sugar-added levy for imported commodities in other tariff positions can be derived by substituting the applicable figures shown in Appendix I of Council Reg. No. 865/68, a translation of which appears at the conclusion of this report.

Council Reg. No. 865/68 also provides for the "advance fixing" of the import levy for white sugar. This is accomplished by the importer applying for a certificate for advance fixing. The advantages of "advance fixing" are unclear, and it is reported that few importers avail themselves of this provision. The issuance of the certificate is subject to the deposit of a surety to ensure fulfillment of the obligation to import (or export) during the period of validity of the certificate. The amount of this surety is, however, relatively small. For example, in the case of canned fruits in tariff position 20.06, the surety amounts to 25 U.S. cents per 100 kg. (220.46 lb.). The rules for the advance fixing of levies and export subsidies are set forth in Commission Reg. No. 1128/68, a translation of which is also shown within this report.

Table 1.--Procedure for computing sugar-added levy (as provided for in Council Reg. No. 865/68) for processed fruits and vegetables imported into the European Economic Community

EXAMPLE: Canned peaches, EEC tariff position 20.06 BII-b6, in immediate containers of 1 kilogram or less.

CATEGORY: NO.	TOTAL SUGAR CONTENT, ADJUSTED	(less)			(equals)			LEVY BASE			EEC LEVY			SUGAR-ADDED LEVY		
		NATURAL			CALCU-			LB. OF			FOR			PER		
		SUGAR ALLOW- ANCE			LATED SUGAR ADDED			APPLI- CABLE PCTG.			SUGAR WHITE SUGAR			CASE 24/2½'s		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)								
	Percent	Percent	Percent	Percent	Lb.	Dol./lb.	Dol.	Percent								
A.	15	9	6	0	---	---	---	---								
B.	15.1	"	6.1	6.1	2.74	.09530	.261	4.4								
	16	"	7	7	3.15	"	.300	5.0								
	17	"	8	8	3.60	"	.343	5.7								
C. 1)	17.1	"	8.1	10	4.50	"	.429	7.2								
	18	"	9	"	"	"	"	"								
	18.9	"	9.9	"	"	"	"	"								
2)	19	"	10	"	"	"	"	"								
3)	20	"	11	"	"	"	"	"								
	21	"	12	"	"	"	"	"								
	21.9	"	12.9	"	"	"	"	"								
D.	22	"	13	13	5.85	"	.558	9.3								
	23	"	14	14	6.30	"	.600	10.0								
	24	"	15	15	6.75	"	.643	10.7								
	25	"	16	16	7.20	"	.686	11.4								
	26	"	17	17	7.65	"	.729	12.2								
	27	"	18	18	8.10	"	.772	12.9								
	28	"	19	19	8.55	"	.815	13.6								
	29	"	20	20	9.00	"	.858	14.3								
	30	"	21	21	9.45	"	.901	15.0								

(NOTE: See "Explanatory Notes Relating to Table 1", page 4 of this report for the derivation and further description of the above data.)

Rules for Determination of Applicable Levy Base Percentage (Column 4)

(Category  
No.) \_\_\_\_\_

- A. If the "calculated sugar added" is within a specified tolerance (6 percent for canned peaches, pears, pineapple, and apricots packed in containers of a net weight of 1 kg. or less), no sugar-added levy is applied.
- B. If the "calculated sugar added" is 2 percentage points or more below the fixed percentage in column 1 of Appendix I, Council Reg. No. 865/68 (canned peaches, 10 percent), the levy shall be based on the "calculated sugar added."
- C. The fixed percentage in column 1 of Appendix I, Council Reg. No. 865/68 (canned peaches, 10 percent) shall be the basis for the levy assessment when:
- 1) the "calculated sugar added" is less than 2 percentage points below the fixed percentage shown in Appendix I; or
  - 2) the "calculated sugar added" is equal to the fixed percentage shown in Appendix I; or
  - 3) the "calculated sugar added" is less than 3 percentage points above the fixed percentage shown in Appendix I.
- D. If the "calculated sugar added" is 3 percentage points or more above the fixed percentage shown in column 1 of Appendix I, Council Reg. No. 865/68, the levy shall be based on the "calculated sugar added."



Explanatory Notes Relating to Table 1 (Pages 2 and 3)

Column 1: Total sugars resulting from the application of a refractometer at a temperature of 20°C, multiplied by the factor 0.93 (this factor applicable only to those commodities appearing in EEC tariff position 20.06, Appendix I, Council Reg. No. 865/68; all other commodities, i.e., other tariff positions shown in Appendix I, are subject to a correction factor of 0.95).

Column 2: Represents natural sugar allowance as set forth in column 2 of Appendix I, Council Reg. No. 865/68.

Column 3: Column 1 minus column 2.

Column 4: Figure in column 3 or that shown in column 1 of Appendix I, Council Reg. 865/68, whichever is applicable, (see "Rules for Determination of Applicable Levy Base Percentage" in Table 1 of this report).

Column 5: Net weight content of a case of 24/2½'s (45 lb.) multiplied by percentage in column 4.

Column 6: Represents difference between:

- 1) EEC threshold price for white sugar (this price determined annually only)

-and-

- 2) Calculated c.i.f. price, at a designated Community frontier crossing point. (This price is calculated on the basis of the lowest world market price. Because of daily variations in the world market price, the calculated c.i.f. price is also subject to daily variations.)

Changes in the EEC levy for white sugar, as derived above, are published in the Journal officiel des Communautés européennes. (The figure shown in column 6, Table 1 of this report, \$0.09530 per lb. or \$21.01 per 100 kg., was effective September 6, 1968.)

Column 7: Column 6 multiplied by the percentage shown in column 5.

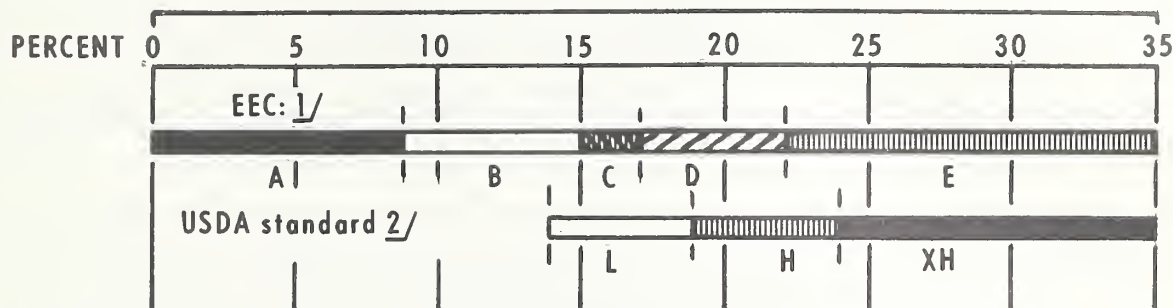
Column 8: Column 7 expressed as a percentage of assumed c.i.f. price (\$6.00 per case of 24/2½'s).

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EEC ADDED SUGAR REGULATION:

Council Reg. 865/68

Example: Canned cling peaches, less than 1 kg.



A - Natural sugar allowance, 9%: No levy.

B - Special allowance for added sugar, 6%: No levy.

C - 15.1 to 17% total sugar: Levy on actual level of total added sugar.

D - 17.1 to 21.9% total sugar: Levy on total added sugar at flat 10% rate.

E - 22% total sugar or more: Levy on actual level of total added sugar.

L - 14° to 19°: Light sirup.

H - 19° to 24°: Heavy sirup.

XH - 24° to 35°: Extra heavy sirup.

1/ - Percent total sugar.

2/ - Cut-out sirup in degrees Brix.

COUNCIL REGULATION No. 865/68

of June 28, 1968

Concerning the Common Market Organization for Processed Fruits and Vegetables  
(Unofficial Translation)

THE COUNCIL OF THE EC -

Having regard to the Treaty establishing the EEC, particularly its Articles 42 and 43,

In consideration of the following reasons:

In the present stage of the gradual establishment of a common market organization for fruits and vegetables the trading system is limited to fresh products; the production of processed fruits and vegetables and the trade with them are important economic activities in the Community; it is therefore necessary to supplement the rules for fruits and vegetables by a common market organization for processed fruits and vegetables in order to make possible the further development of the common market taking thereby account of the interests of the producers in question.

The common market organizations for sugar and for grains provide a price and trading system for these products; the application of these rules leads to the maintenance of a certain price level for sugar, glucose, and glucose syrup; in view of the immediate and noticeable effects of these raw materials upon the cost of certain processed commodities, it is necessary to harmonize the trading rules for these commodities with those for sugar and grain.

Therefore provisions have to be foreseen assuring the collection of a levy on the component "sugar" contained in the processed commodities under conditions corresponding to Council Regulation No. 1009/67 of December 18, 1967, concerning a common market organization for sugar; 1/ the same import charge must be applied to the sugar substitutes glucose and glucose syrup in the processed commodities in question.

When exporting to third countries, an export subsidy for sugar must be provided for in order to cover the difference between the price of white sugar without and within the Community, when the world market price is below the Community price; moreover, a special export subsidy for glucose and glucose syrup must be provided for under the conditions stipulated in Council Regulation No. 120/67 of June 13, 1967, concerning the common market organization for grains 2/.

For the purpose of stabilizing trade relations it should be provided that the interested parties may be able to fix in advance the amount of the levies and the export subsidies; for the purpose of a smooth administration it is appropriate to supplement the certificates concerning the advance fixing by requesting the deposit of a surety guaranteeing respect of the obligation to import or export during the period of validity of the certificate.

1/ O.J. No. 308 of 12.18.1967, p. 1

2/ O.J. No. 117 of 6.19.1967, p. 2269/67



The possibility should be given to regulate recourse to the so-called active processing trade - and to the extent that the market situation so requires to prohibit such recourse; moreover, export subsidies are to be fixed in such a way that the raw materials used by the processing industry of the Community be not disadvantaged as regards exports due to rules for the active processing trade which could induce the industry to prefer products imported from third countries; the establishment of a common market for processed fruits and vegetables calls for common rules for the active processing trade.

The introduction of such rules justifies the application of the Common External Tariff; moreover, it is necessary to proceed rapidly in the coordination and unification of the import systems vis-a-vis third countries.

The establishment of a common market for processed fruits and vegetables requires the abolition of all impediments to free trade with the commodities in question at the internal frontiers of the Community.

The establishment of a common market for said commodities could be jeopardized by the granting of certain aids; therefore, all provisions of the Treaty, according to which the aids granted by the Member States may be judged and the aids not compatible with the Common Market may be prohibited, shall be applied to said sector.

The common market organization for processed fruits and vegetables shall take account simultaneously and in an appropriate way of the aims of Articles 39 and 110 of the Treaty.

In order to facilitate the implementation of the provisions envisaged, a procedure is to be foreseen through which, within the framework of a Management Committee, close collaboration between the Member States and the Commission may be brought about,

HAS ISSUED THE FOLLOWING REGULATION:

Article 1

The Common Market Organization for processed fruits and vegetables shall apply to the following products:

No. of CXT	Commodity
ex 07.02	Garden vegetables and kitchen herbs, cooked or not, frozen, except olives
ex 07.03	Garden vegetables and kitchen herbs, in brine, sulfur water or other temporary preservatives, but not specially prepared for immediate consumption, except olives
ex 07.04	Garden vegetables and kitchen herbs, dried, dehydrated, or evaporated, also sliced, cut or otherwise reduced to small pieces, in powder, but not otherwise prepared, except olives

- 08.10 Fruit, cooked or not, frozen, without added sugar
- 08.11 Fruit, provisionally preserved (e.g. by sulfur dioxide, or in brine, sulfur water, or other temporary preservatives), but not fit for immediate consumption
- 08.12 Fruits, dried (except those of tariff number 08.01 - 08.05)
- 08.13 Peels of citrus and of melons, fresh, frozen, dried or temporarily preserved in brine or in water with addition of other preservative substances

ex 13.03 B Pectin

- 20.01 Vegetables, kitchen herbs, and fruits, prepared or preserved with vinegar or acetic acid, with or without salt, spices, mustard, or sugar
- 20.02 Vegetables, kitchen herbs, prepared or preserved without vinegar or acetic acid
- 20.03 Fruits, frozen with sugar added
- 20.04 Fruits, fruit peels, plants and parts thereof, preserved with sugar, (drained, glazed or crystallized)
- 20.05 Confitures, marmalades, fruit jellies, fruit purees and pastes, cooked, also with sugar added
- 20.06 Fruits otherwise prepared or preserved, with sugar added, with or without alcohol
- ex 20.07 Fruit juices (except grape juice and must) and vegetable juice not fermented, without the addition of alcohol, and with sugar added
- ex 20.07 Grape juice (including grape must) without the addition of alcohol, with a sugar added content of more than 30 percent by weight

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Article 2

1. In addition to the customs duty, mentioned in Article 9, paragraph 1, a levy on the contents of various added sugars shall be applied to imports of the commodities mentioned in Appendix I. It shall be established according to the following paragraphs.

2. This levy shall correspond per 100 kg. of net weight of the imported commodity to the levy per kg. of saccharose, mentioned in Article 14, paragraph 5, of Regulation No. 1009/67, which shall be multiplied by the value for the commodity in question indicated in Appendix I, column 1.

However, during the period July 1 - July 31, 1968, the levy shall amount to 0.2022 u.a. per kg. of white sugar.

3. If the content of various sugars added per 100 kg. net weight of the imported commodity, calculated according to subparagraph 2, exceeds by 3 kg. or more, the content expressed for said commodity by the value listed in Appendix I, column 1, then, for the purpose of calculating the levy per 100 kg. of net weight of the imported commodity, the levy mentioned in paragraph 2 per kg. of saccharose shall be multiplied by a value corresponding to the content of various sugars added as defined below.

The value of the content of various sugars added shall be that resulting from the application of the refractometer according to the method described in Appendix III, multiplied by the factor 0.93 for the commodities mentioned in the tariff position 20.06 of the CXT, and by the factor 0.95 for the other commodities mentioned in Appendix I, minus the value indicated in said Appendix I, column 2 for the commodity in question.

4. If the content of various sugars added per 100 kg. net weight of the imported commodity is by 2 kg. or more below the content expressed by the value in Appendix I, column 1, the levy, upon request, shall be calculated in accordance with paragraph 3.

5. The implementing regulations to paragraphs 1 to 4 shall, to the extent necessary, be issued according to Article 15.

6. The Council may modify Appendix I upon proposal of the Commission according to the voting procedure of Article 43, paragraph 2, of the Treaty.

### Article 3

1. In order to make possible the exportation to third countries of sugars of the tariff No. 17.01, of glucose and glucose syrup of the tariff position 17.02 B contained in the commodities listed in Appendix II, an export subsidy shall be granted, if an export subsidy for glucose and glucose syrup is being granted for the commodities listed in Article 1, paragraph 1 d) of Regulation No. 1009/67.

2. The export subsidy to be granted per 100 kg. net weight of the exported commodity shall correspond:

- for raw and white sugar, to the export subsidy granted, in accordance with Article 17 of Regulation No. 1009/67 and its implementing regulations, per kg. of saccharose for the commodities listed in Article 1, paragraph 1 d) of said regulation, whereby this export subsidy shall be multiplied by a value expressing the quantity of saccharose contained in 100 kg. net weight of the final product;
- for glucose and glucose syrup, to the export subsidy granted for them per kg. according to Article 16 of Regulation No. 120/67 of June 13, 1967, concerning the common market organization for grain and its implementing regulations, whereby this export subsidy shall be multiplied by a value expressing the quantity of glucose or glucose syrup added in 100 kg. net weight of the final product.

However, for the period July 1 - July 31, 1968, the export subsidy shall amount to 0.2022 u.a. per kg. of white sugar.



3. The values mentioned in paragraph 2 shall be determined according to the declaration foreseen in Article 4.

4. The export subsidies mentioned in paragraph 1 shall be granted only insofar as commodities destined for human consumption and of sound, unadulterated, and commercial quality are involved.

5. The implementing regulations to this Article shall, if necessary, be issued according to the procedure of Article 15.

#### Article 4

1. In order that the export subsidy mentioned in Article 3 may be granted for the commodities listed in Appendix II, they must be accompanied by a declaration indicating the quantities of saccharose, glucose, and glucose syrup contained in said commodities.

2. In case the provisions of Article 2, paragraphs 2, 3, and 4 are applied to the commodities listed in Appendix I, these commodities must be accompanied by a declaration of the importer indicating the content of various sugars added, which shall be calculated according to the method mentioned in Article 2, paragraph 3.

3. The correctness of the declaration mentioned in the previous paragraphs shall be subject to control by the competent authorities of the Member State in question.

4. The implementing regulations of this Article shall be issued, to the extent necessary, according to the procedure of Article 15.

#### Article 5

1. The levy mentioned in Article 2, paragraph 1, and the export subsidy mentioned in Article 3, paragraph 1, shall correspond to the levy or export subsidy valid on the day of importation or exportation.

2. The amount of the levy or of the export subsidy, that shall be calculated according to Article 2 or Article 3, and which applies on the day of the submission of the request for the issuance of the certificate, foreseen in Article 6 concerning the advance fixing may, upon a request to be made at the time of the application for the certificate, be applied to a transaction that must be carried through during the period of validity of the certificate.

The levy shall be corrected in accordance with the threshold price for white sugar valid on the day of importation.

3. The implementing regulations to paragraphs 1 and 2 shall, to the extent necessary, be issued according to the procedure of Article 15.

4. The Council, upon proposal of the Commission and according to the voting procedure of Article 43, paragraph 2, of the Treaty, shall establish the measures necessary in case of extraordinary circumstances.

#### Article 6

1. In trade with third countries, the submission of a certificate for advance fixing is necessary for all imports of commodities subject to the rules foreseen in Article 5 concerning the advance fixing of the levy or the export subsidies in the Community countries, as well as for all exports of these products from Community countries. This certificate shall be issued to each applicant regardless of the place of his business in the Community.

The certificate for advance fixing shall apply to a transaction made within the Community beginning with a date to be fixed by the Council upon proposal of the Commission according to the voting procedure of Article 43, paragraph 2, of the Treaty, but at the latest as of August 1, 1969.

Up to this time the certificate shall apply only to a transaction made in the Member State that issues the certificate.

2. The issuance of the certificate for advance fixing shall be subject to the deposit of a surety which shall ensure fulfillment of the obligation to export or import during the period of validity of the certificate; the surety shall be fully or partly forfeited if the importation or exportation within this period has not or has only partly materialized.

3. The period of validity of the certificate for advance fixing and the amount of the surety and the other implementing regulations of this Article shall be fixed according to the procedure of Article 15.

#### Article 7

The necessary regulations concerning the coordination and unification of import rules applied by the individual Member States vis-a-vis third countries shall be issued by the Council upon proposal of the Commission according to the voting procedure of Article 43, paragraph 2, of the Treaty prior to January 1, 1969. These provisions shall be applied at the latest as of July 1, 1969.

#### Article 8

1. Insofar as it is required for the smooth functioning of the common market organizations for grain, sugar, and fruits and vegetables, the Council upon proposal of the Commission according to the voting procedure of Article 43, paragraph 2, of the Treaty, may exclude fully or partly in special cases recourse to the rules of the active processing trade for raw sugar, white sugar, glucose, glucose syrup, as well as fruits and vegetables destined for the production of the commodities listed in Article 1.



2. Community regulations for the active processing trade with the raw materials listed in paragraph 1 shall be issued at the latest by July 1, 1968 (sic.)
3. The quantity of raw materials which, in the framework of the active processing trade, is subject neither to the duty nor to the levy or an import charge of an equivalent effect, must correspond to the effective conditions under which such processing takes place.

#### Article 9

1. The Common External Tariff shall be applied to the commodities mentioned in Article 1; the collection of all charges of an effect equivalent to duties shall be prohibited.
2. For the customs specifications of the commodities subject to this regulation, the general customs rules and the special rules concerning the application of the CXT shall apply. The customs duty schedule resulting from the application of this regulation shall be embodied in the CXT from the time at which the latter is fully applied.

#### Article 10

1. The following shall be prohibited in intra-Community trade:
- the collection of duties or charges of equivalent effect,
  - the application of quantitative restrictions or of measures of equivalent effect,
  - recourse to Article 44 of the Treaty.
2. The commodities mentioned in Article 1 shall not be admitted to free circulation within the Community in whose production products have been used to which the conditions mentioned in Article 9, paragraph 2, as well as in Article 10, paragraph 1, of the Treaty do not apply.

#### Article 11

If the unequal application of Regulation No. 159/66 <sup>3/</sup> in the individual Member States has unfavorable economic effects upon Community production of processed fruits and vegetables, the Council, upon proposal of the Commission according to the voting procedure of Article 43, paragraph 2, of the Treaty shall establish measures to mitigate these effects.

#### Article 12

Subject to different provisions of this regulation, Articles 92 to 94 of the Treaty shall apply to the production of the commodities listed in Article 1 and to the trade with these commodities.

<sup>3/</sup> O.J. No. 192, of 10.27.1966, p. 3286

### Article 13

The Member States and the Commission shall reciprocally communicate the data required for the implementation of this regulation. The pertinent information and announcements shall be determined according to the procedure of Article 15.

### Article 14

1. A Management Committee for processed fruits and vegetables -- hereafter called "Committee" -- shall be established, composed of representatives of the Member States and under the chairmanship of a representative of the Commission.
2. In this Committee the votes of the Member States shall be weighted according to Article 148, paragraph 2, of the Treaty. The chairman shall not participate in the vote.

### Article 15

1. If reference is made to the procedure laid down in this article the chairman, on his own initiative or upon the request of the representative of a Member State, shall submit the question to the Committee.
2. The representative of the Commission shall submit a draft proposal of the measures to be taken. The Committee shall express an opinion concerning these measures within a period which may be determined by the chairman in view of the urgency of the question to be examined. Decisions shall be made with a majority of 12 votes.
3. The Commission shall establish measures that are immediately applicable. However, if these measures do not correspond to the opinion of the Committee, the Commission shall communicate them immediately to the Council; in this case the Commission may suspend the application of the measures decided by it for a maximum period of one month.

The Council, according to the voting procedure of Article 43, paragraph 2, of the Treaty, may decide differently within 1 month.

### Article 16

The Committee may examine any other question submitted to it by the chairman on his own initiative or upon the request of a representative of a Member State.

### Article 17

At the end of the transition period the Council, upon proposal of the Commission according to the voting procedure of Article 43, paragraph 2, of the Treaty, shall decide about the maintenance or modification of Article 15 in the light of the experience gained.

Article 18

When implementing this regulation, account shall be taken simultaneously and appropriately of the aims of Articles 39 and 110 of the Treaty.

Article 19

This regulation shall come into force on July 1, 1968.

This regulation is in every respect binding and shall be directly applicable in each Member State.

Appendix I  
(Council Regulation No. 865/68)

CXT No.	Commodity	(1)	(2)
20.03	Frozen fruits, with sugar added:		
A	With a sugar content of more than 13% by weight	20	13
20.04	Fruits, fruit peels, plants and parts thereof, preserved with sugar (soaked and drained, glazed or crystallized):		
B	Others:		
I	With a sugar content of more than 13% by weight	57	13
20.05	Confitures, marmalades, fruit jellies, fruit purees and pastes, cooked, also with sugar added:		
A	Chestnut purees and paste:		
I	With a sugar content of more than 13% by weight	47	13
B	Confitures and marmalades of citrus:		
I	With a sugar content of more than 30% by weight	55	13
II	With a sugar content of more than 13% but less than or equal to 30% by weight	10	13
C	Others:		
I	With a sugar content of more than 30% by weight	55	13
II	With a sugar content of more than 13% but less than or equal to 30% by weight	10	13
20.06	Fruits, otherwise prepared or preserved, also with sugar or alcohol added:		
B	Others:		
I	With alcohol:		
b	Pineapples, in immediate containers with a net content		
(1)	Of more than 1 kg.		
(a)	With a sugar content of more than 17% by weight	6	13

CXT No.	Commodity	(1)	(2)
(2)	Of 1 kg. or less:		
(a)	With a sugar content of more than 19% by weight	6	13
c	Grapes:		
(1)	With a sugar content of more than 13% by weight	9	13
d	Peaches, pears, and apricots, in immediate containers with a net weight:		
(1)	Of more than 1 kg.:		
(a)	With a sugar content of more than 13% by weight	10	9
(2)	Of 1 kg. or less:		
(a)	With a sugar content of more than 15% by weight	10	9
e	Other fruits:		
(1)	With a sugar content of more than 9% by weight:	10	9
f	Fruit mixtures:		
(1)	With a sugar content of more than 9% by weight:	10	9
II	Without alcohol:		
a	With a sugar content added, in immediate containers of a net weight of more than 1 kg.:		
(2)	Grapefruit segments	10	9
(3)	Tangerines	10	9
(4)	Grapes	9	13
(5)	Pineapples		
(a)	With a sugar content of more than 17% by weight	6	13
(6)	Peaches, pears, and apricots:		
(a)	With a sugar content of more than 13% by weight	10	9



CXT No.	Commodity	(1)	(2)
(7)	Other fruits		
(8)	Fruit mixtures	10	9
b	With sugar added, in immediate containers of a net weight of 1 kg. or less:		
(2)	Grapefruit segments	10	9
(3)	Tangerines	10	9
(4)	Grapes	9	13
(5)	Pineapple:		
(a)	With a sugar content of more than 19% by weight	6	13
(6)	Peaches, pears, and apricots:		
(a)	With a sugar content of more than 15% by weight	10	9
(7)	Other fruits	10	9
(8)	Fruit mixtures	10	9
20.07 A & B:	Fruit juices (including grape juice and vegetable juices, not fermented, without alcohol added, also with sugar added:		
	- With an added sugar content of more than 30% by weight	49	
	- From lemons or tomatoes		3
	- From apples		11
	- From grapes		15
	- From other fruits and vegetables, including mixed juices		13

Appendix II  
(Council Regulation 865/68)

PRODUCTS WITH SACCHARISE, GLUCOSE, OR GLUCOSE SYRUP ADDED, SUBJECT TO THE  
FOLLOWING NUMBERS OF THE CXT

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ex 13.03 B Pectin

20.01

20.02

20.03

20.04

20.05

20.06

20.07

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COMMISSION REGULATION No. 1128/68

of July 30, 1968

Concerning the Rules for the Advance Fixing of Levies and Export Subsidies for  
Processed Fruits and Vegetables  
(Unofficial Translation)

THE COMMISSION OF THE EC -

Having regard to Council Regulation No. 865/68 of June 28, 1968 concerning the common market organization for processed fruits and vegetables 1/, particularly Article 5, paragraph 3 and Article 6, paragraph 3 and

In consideration of the following reasons:

Article 5, paragraph 2, of Regulation No. 865/68 provides for the possibility of applying, upon request, for the advance fixing of levies and export subsidies in the Community according to the meaning of Articles 2 and 3 of the same regulation. However, these rules can be applied only after the implementing regulations, foreseen in Article 5, paragraph 3 of the same regulation, have been established.

In order to establish equal conditions of competition within the Community, these rules must be applied in all Member States. In order to facilitate the implementation of these rules, they must be introduced by August 1, 1968.

Article 6, paragraph 3, of Regulation No. 865/68 provides for implementing regulations for the certificates concerning advance fixing established by the same regulation.

In view of the customary practices in international trade with processed fruits and vegetables, it appears appropriate to allow for a certain tolerance as regards the quantity of products imported or exported relative to the quantity indicated in the certificate.

For the same reason, it is recommended to fix for this certificate a maximum period of validity of 6 months.

In order that the provisions for levies and export subsidies be applied in an orderly way, the certificates must contain certain minimum information.

It must be avoided that certificates be issued which do not entail imports or exports. This could happen if the issuance of these certificates were not subject to the deposit of a surety which shall be fully or partly forfeited if the obligation to import or export is not fulfilled. It is appropriate to determine the rules for this surety in a precise way.

Moreover, it seems necessary to establish special rules for cases in which imports or exports cannot take place within the period of validity of the certificate due to force majeure.

1/ O.J. No. L 153 of 7.1.1968, p. 9

The measures foreseen in this regulation correspond to the opinion of the Management Committee for Processed Fruits and Vegetables -

HAS ISSUED THE FOLLOWING REGULATION:

#### Article 1

The Member States shall apply, upon request, the rules concerning the advance fixing of levies and export subsidies foreseen in Article 5 of Regulation No. 865/68.

#### Article 2

1. The certificate foreseen in Article 6, paragraph 1, of Regulation No. 865/68 of June 28, 1968, thereafter called "certificate," shall apply in case of advance fixing of the levy or export subsidy in accordance with Article 5, paragraph 2, of the same regulation.
2. The certificate shall impose the obligation of importing or exporting the quantities concerned of the products mentioned during the period of validity of the certificate.
3. If the quantities imported or exported exceed the quantities indicated in the certificate by not more than 5 percent, this quantity shall be considered, within the context of the certificate, as having been imported or exported.
4. If the quantity imported or exported falls short of the quantity indicated in the certificate by more than 7 percent, the obligation to import or export shall be considered as having been fulfilled.

#### Article 3

When importing one of the products to which quantitative restrictions apply, the certificate shall be applicable only if a valid import license can be furnished.

#### Article 4

The period of validity of the certificate shall begin on the day of issuance and shall terminate in the month following the issuance, or if imports of the products in question are subject to quantitative restrictions, on the day of the expiration of the import license if this last mentioned day precedes the day of expiration of the certificate.

#### Article 5

Until the introduction of Community certificate forms, the Member States may use national forms which, notwithstanding the provisions in other regulations, directives, or decisions, contain the information mentioned in Articles 6 and 7.



## Article 6

In case of imports, the certificate must contain all of the following information:

- a. Name and address of the applicant;
- b. The commodity description in accordance with Appendix I of Regulation No. 865/68 and, to the extent necessary, the number of the commodity list of the national foreign trade statistics;
- c. Indication of the net weight of the quantity of products (without the weight of the container);
- d. Indication of the last day of the period of validity;
- e. Indication of the amount of the levy according to the meaning of Article 14, paragraph 5, of Regulation No. 1009/67. 2/

## Article 7

In case of exports, the certificate must contain all of the following information:

- a. Name and address of the applicant;
- b. Commodity description according to the Common External Tariff, and, to the extent necessary, the number of the commodity list of the national foreign trade statistics;
- c. Indication of the net weight of the quantity of product (without the weight of the container);
- d. Indication of the last day of the period of validity;
- e. Indication of one or all of the base products (sugar, glucose, or glucose syrup), for which the export subsidy shall be fixed in advance;
- f. As regards the advance fixing of an export subsidy for the sugar added, indication of the export subsidy according to the meaning of Article 17 of Regulation No. 1009/67 for the products of Article 1, paragraph 1 d, of the same regulation;
- g. As regards the advance fixing of the export subsidy for glucose or glucose syrup, indication of the export subsidy according to the meaning of Article 16 of Regulation No. 120/67. 3/

## Article 8

1. The issuance of a certificate shall be subject to the deposit of a surety whose amount for each product is indicated in the Appendix.

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2/ O.J. No. 308 of 12.18.1967, p. 1.

3/ O.J. No. 117 of 6.19.1967, p. 2269/67.



The surety may be in cash or in the form of a bond issued by a credit institute corresponding to the criteria established by the Member State in question.

2. If the obligation to import or export is not being fulfilled during the period of validity of the certificate, the surety shall be forfeited, subject to Article 9, to the extent of the amounts mentioned in paragraph 1 for a quantity which corresponds at least to the difference between:

- 93 percent of the quantity indicated in the certificate, and
- the quantity imported or exported.

However, the Member States shall take into consideration the total quantity indicated in the certificate if nothing has been imported or exported.

#### Article 9

1. If the imports or exports cannot be effected within the period of validity of the certificate, due to certain circumstances considered as force majeure, the competent authority, upon the request of the interested party, shall decide that the obligation to import or export is cancelled; thereby the surety shall not be forfeited, or the period of validity of the certificate shall be extended by the period considered necessary in view of the circumstances invoked.

2. If the competent authorities recognize that certain circumstances represent a case of force majeure, they shall immediately inform the Commission.

3. If circumstances considered as force majeure are invoked which concern, in the case of imports to country of origin, or in case of exports to the country of destination, these circumstances may be recognized only if the competent authorities have been notified, in time and prior to the occurrence of the case of force majeure, of the country of origin or the country of destination.

Information of the country of origin or destination shall be considered as having been made in time, if the circumstance considered as force majeure could not be foreseen at the time of the notification.

4. The importer or exporter shall prove the circumstances considered as force majeure by means of official documents.

#### Article 10

This regulation shall enter into force on the 3rd day following its publication in the Official Journal of the European Communities. It shall be valid as of August 1, 1968.

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Brussels, July 30, 1968.

# APPENDIX

## Amount of the Surety Mentioned in Article 8, Paragraph 1

No. of CXT:	Description	:Amount of surety :in u.a./100 kg. : net weight
ex 13.03 B:	Pectin	0.15
ex 20.01	:Vegetables, kitchen herbs, and fruits, prepared :or preserved with vinegar, also with salt, spices: :mustard, with sugar added	0.15
ex 20.02	:Vegetables and kitchen herbs, without vinegar, :prepared or preserved, with sugar added	0.15
20.03	:Fruits, forzen, with sugar added	0.60
20.04	:Fruits, fruit peels, plants and parts thereof, :preserved with sugar (soaked, drained, glazed, :or crystallized)	1.50
ex 20.05	:Confitures, marmalades, fruit jellies, fruit :pastes and purees, prepared through cooking, :with sugar added:	
	:1. Chestnut pulp and paste	1.50
	:2. Others:	
	:- with more than 30% by weight of sugar added:	1.50
	:- others	0.25
ex 20.06	:Fruits, otherwise prepared or preserved, with :sugar added	0.25
ex 20.07	:Fruit juices (including grape juice) and :vegetable juices, not fermented, without alcohol, :with sugar added	
	:- with more than 30% by weight of sugar added	1.50
	:- other	0.25

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